

HPS-123

May 27, 2004

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 03-4252

TYRONE P. JAMES

vs.

YORK COUNTY POLICE DEPARTMENT, ET AL.

(M.D. PA. CIV. NO. 01-CV-01015)

Present: SCIRICA, CHIEF JUDGE, WEIS and GARTH, CIRCUIT JUDGES

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's motion for appointment of counsel on appeal; and
- (3) Appellant's jurisdictional response
in the above-captioned case.

Respectfully,

Clerk

ORDER

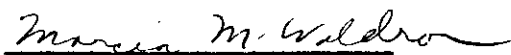
The foregoing appeal is dismissed for lack of appellate jurisdiction. Although the order appealed is a final order, see 28 U.S.C. § 1291, the order must end the litigation as to all claims and all parties, see Mellon Bank, N.A. v. Metro Communications, Inc., 945 F.2d 635, 639 (3d Cir. 1992), and it does not: several claims against several defendants are still pending in the district court. An order entered by a District Court that dismisses fewer than all claims and all parties is not immediately appealable unless the District Court directs the entry of a final judgment as to the claims or parties under Federal Rule of Civil Procedure 54(b), *and the District Court has not done so here*. Appellant's motion for appointment of counsel on appeal is denied as moot.

By the Court,

A True Copy:

/s/Joseph F. Weis

United States Circuit Judge



Marcia M. Waldron,
Clerk

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Dated: July 1, 2004

SLC/cc: Mr. Tyrone P. James, #EX-9451

Donald L. Reihart, Esq.

Jason C. Giurintano, Esq.